

Center for Nuclear Waste Regulatory Analyses

POST OFFICE DRAWER 28510 • 6220 CULEBRA ROAD • SAN ANTONIO, TEXAS, USA 78284
(512) 522-5160 • FAX (512) 522-5155

June 29, 1989

U. S. Nuclear Regulatory Commission
ATTN: Mr. Philip M. Altomare
Office of High Level Waste Management
WF1
Mail Stop 4-H-3
Washington, D. C. 20555

Subject: Rationale and Priority for Analysis of Statutes and Regulations
Relevant to HLW Management

Dear Mr. Altomare:

The attached subject document is provided for your information and use. This document, which prioritizes the statutes and regulations that fall within the purview of the NRC with respect to its high-level nuclear waste regulatory responsibilities, reflects the NRC comments of June 14, 1989, on the May 17, 1989, version. The document assigns priorities to the Federal Primary Statutes and Regulations, only, consistent with the current (and anticipated future) process and procedures for Program Architecture development.

If you have any questions on this matter, please contact me.

Sincerely,

Allen R. Whiting
Allen R. Whiting
Director WSE&I

/bsc

Enclosure (4)

cc: J. Funches
S. Fortuna
B. Stiltenspole
J. Linehan
M. Mace
J. Latz
CNWRA Directors
CNWRA Element Managers
T. Romine



Washington Office • Crystal Gateway One, Suite 1102 • 1235 Jefferson Davis Hwy. • Arlington, Virginia, 22202-3293

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RATIONALE AND PRIORITY FOR ANALYSIS OF STATUTES AND REGULATIONS RELEVANT TO HLW MANAGEMENT

1. SCOPE

The purposes of this document are to provide a rationale for selection and to establish initial priorities for those Federal statutes and regulations (and derivative regulatory requirements) that are judged to be relevant to the NRC mission with respect to the management of the nation's high-level nuclear wastes. Two important concepts must be kept in mind when reviewing and using this document. First, the list of statutes and regulations presented here may be added to or taken from as the analyses proceed and further knowledge is gained regarding the applicability of such statutes and regulations. Second, prioritization is conducted in a phased manner. This approach allows the priority to change (a) as the analyses proceed, the state of knowledge increases, and additional criteria become applicable and (b) when programmatic changes (such as approval of Monitored Retrievable Storage [MRS]) require broad changes in direction.

Because this is the first such effort to select and prioritize the Federal statutes and regulations for further analysis, a formal written procedure does not currently exist. However, it is the Center's intent to document the process used here as part of a Technical Operating Procedure so that it will be available for future use, if such need should arise. Various other Technical Operating Procedures and related guidance from the WSE&I Subelement to the other Center Elements/Subelements will be developed and used to control related work in the area of Program Architecture development and maintenance.

2. REFERENCES

The following references contain the principal historical and technical information regarding Program Architecture (PA) development to date. The reader is encouraged to refer to them, as necessary, to understand the course of development of PA and associated terminology.

2.1 "Program Architecture Glossary of Terms for HLW", letter from J.O. Bunting to F.X. Cameron, dated June 16, 1988.

2.2 "Program Architecture Acceleration", letter from M.H. Mace to J.E. Latz, dated June 23, 1988.

2.3 "Operations Plan for the Subelement Waste Systems Engineering and Integration: FY88-89", Center for Nuclear Waste Regulatory Analyses, Southwest Research Institute, January 1988.

2.4 "Final Specification/Acceptance Criteria for WSE&I Major Milestones R7, I7, R8, and R9", letter from W.C. Patrick to J.O. Bunting, dated August 12, 1988.

2.5 "Proof of System Demonstration for Program Architecture and PASS", informal report to NRC, December 1, 1988.

2.6 "Major Milestone No. 10 of Waste Systems Engineering and Integration Operations Plan, REV. 1", letter from J.E. Latz to M.H. Mace, dated January 20, 1988.

2.7 "Comment on Completion of Milestones I2 and P3", letter from P.M. Altomare to A.R. Whiting, dated September 1988.

2.8 "Guidance to the Program Architecture Review Committee, Review and Revision of WSE&I Major Milestone No. 12," Technical Operating Procedure TOP-001-01, Rev. 0, July 12, 1988.

2.9 "Categorization of Regulations and Statutes for PARC Activities Under TOP-001-01", memorandum from A.R. Whiting to Center Staff, concurred in by W.C. Patrick (Center) and J.O. Bunting (NRC CNWRA Program Manager), dated July 12, 1988.

3. BACKGROUND

As its development proceeds from proof-of-concept to proof-of-system to production version, staff thinking on both the Program Architecture (PA) and the Program Architecture Support System (PASS) continues to undergo significant evolution and maturation. These changes have been a natural outgrowth of developments to date, as well as introduction of significant new concepts and definitions of the terms that describe the content of the PA relational database (Ref. 2.1). Furthermore, the "Proof-of-System" (Ref. 2.4 and 2.5) was a focusing mechanism for both the NRC and Center staffs to address, in concrete terms, the format and content that would be needed for PA and PASS to be most beneficial to both their day-to-day and long-term responsibilities regarding high-level waste management.

The process of identifying Federal statutes and regulations for subsequent analysis began with a straightforward initial identification of all potentially applicable regulations (Ref. 2.6). Following that, a Technical Operating Procedure and attendant criteria were used to select from these statutes and regulations those that were applicable, in whole or in part, to the high-level waste regulatory mission of the NRC (Ref. 2.8 and 2.9). Comments from the NRC staff and program management were used to clarify, refine, and consider possible additions to this list (Ref. 2.7).

To accommodate the acceleration of PA and PASS development (Ref. 2.2), it became necessary to select a subset of the Federal regulations and statutes that had been identified as being "applicable" (using the phased process described above). This was initially done by grouping the identified statutes and regulations into the following topical categories (Ref. 2.8 and Ref. 2.9):

- Category 1A: Siting-Related, Direct
- Category 1B: Siting-Related, Environmental Policy and Impacts
- Category 2: Facility- and Construction-Related
- Category 3: Transportation Related
- Category 4: Administrative- and Information-Related
- Category 5: Quality-Assurance Related

Note that these categories were intended to topically segregate by primary function (i.e. siting, engineering & construction, administration, etc.) the numerous statutes and regulations that had been identified at that time. They were not originally intended to imply priority.

Following concurrence by the NRC CNWRA Program Manager, these categories were later presented formally as part of the specification for the accelerated PA and PASS development (Ref. 2.2). At that time, the focus was on the subset of Federal statutes and regulations that (a) was judged to be most crucial to "siting" (i.e. most likely to affect staff comment on the Site Characterization Plan and Exploratory Shaft Facility, or that may reveal regulatory uncertainties requiring timely address by the NRC) and (b) could be processed through Block 15 of the PA process diagram within the required timeframe. In this manner, the topical "categories" became surrogates for "priority". The selection process for this subset is described in Ref. 2.4.

Please note that the categories of statutes and regulations presented above are not used in the prioritization scheme presented here.

This document revisits the previous selection process in light of the following:

- The NRC requirement to establish priority for analysis of all relevant Federal statutes and regulations.
- The need to broaden the scope of analysis from "siting" to all aspects of the high-level waste management regulatory program.
- The evolution and maturation of the process by which statutes and regulations are analyzed.

4. IDENTIFICATION AND PRIORITIZATION OF STATUTES AND REGULATIONS

The prioritization of Federal statutes and regulations for subsequent analyses in the Program Architecture is based on those identified using the process described above in Section 3. Each stage of that process was carefully reviewed, critiqued, and modified, as necessary, by both the Center and the NRC. The resulting list of statutes and regulations, reproduced here as Appendix A, provides a solid foundation from which to prioritize them for further analysis. In the process of preparing and reviewing this document, several additional statutes and regulations were introduced as potentially applicable. These are included in Appendix A, for completeness, but remain to be processed through the procedure identified in Section 3. These entries are appropriately annotated in Appendix A for clarification.

As noted in the Scope of this document, it is important to recognize that no such list can be considered to be "perfect" and complete. The list of statutes and regulations presented here may be added to or taken from as the analyses proceed and further knowledge is gained regarding the applicability of such statutes and regulations. Similarly, the assigned priorities may change as a direct result of increases in the state of knowledge that invariably accompany detailed analysis of statutes and regulations, introduction of additional criteria, and response to programmatic changes which require broad changes in direction (such as approval of Monitored Retrievable Storage [MRS]).

4.1 Types of Statutes and Regulations Based on Analyses Conducted

The principal criteria used to select statutes and regulations for subsequent analyses are contained in TOP-001-01 (Ref. 2.8) and are not repeated here.

The principal rationale used in identifying individual and groups of Federal statutes and regulations for further analysis is founded in the manner in which such items are analyzed. It is a common misconception that there is only one type of analysis conducted under the Program Architecture and that all statutes and regulations must (or will eventually) be subjected to the same analysis (and/or the same "level of detail" of analysis). Each statute, regulation, or portion thereof may be classified as being of one or more of the following types. (Note that the following provides a synopsis of how these statutes and regulations are used, the reader is referred to the pertinent Center Technical Operating Procedures for detailed information).

PRIMARY -- Primary Federal statutes and regulations are those for which the NRC has direct regulatory authority for implementation and enforcement. Examples include 10CFR60, 10CFR71, and 10CFR72. Note that most items falling into the "Primary" category are regulations; there are relatively few cases where the NRC has not developed regulations to implement its statutory authorized responsibilities. From an analytical perspective, the Primary regulations and statutes are those used to derive the REGULATORY REQUIREMENTS that are the foundation of the Program Architecture development process.

INCORPORATED BY REFERENCE -- The pertinent parts of statutes and regulations that are incorporated by reference (IBR) are treated as an integral part of the base PRIMARY Federal statute or regulation. To be considered as "incorporated by reference", the statute or regulation must (a) be directed cited by number in a PRIMARY statute or regulation, (b) be cited as part of the "Authority" for a PRIMARY statute or regulation, and/or (c) be clearly referred to in a PRIMARY statute or regulation (e.g. "such generally applicable environmental standards" in 10CFR60.112). Examples include pertinent portions of 10CFR20, 10CFR 51, and 40 CFR 191 that are IBR into 10CFR60, and portions of 49CFR173-178 that are IBR into 10CFR71. Note that items incorporated by reference are typically regulations, rather than statutes. With regard to analyses, any regulation incorporated by reference into a primary regulation (such as 10CFR60) is treated as a Primary regulation for purposes of analysis; the portion of the regulation becomes part of the REGULATORY REQUIREMENT that is analyzed.

STATUTORY AUTHORIZATION -- Statutes that authorize the NRC to conduct the various parts of its regulatory mission fall into this category. Examples include the NWPA, NWPA, and the Atomic Energy Act. Statutes may be used in the analyses in three different ways. First, these Federal statutes may contain the specific requirements which must be complied with by the affected agency. In this case, the pertinent part of the statute would be treated as part of the PRIMARY statute or regulation. Second, they may provide the basis for evaluation of the consistency and completeness of the regulation with its respective authorizing legislation. Third, statutes are compared with one another

and with the pertinent regulations to evaluate potential INSTITUTIONAL and/or REGULATORY UNCERTAINTIES. In the latter two cases, the authorizing legislation is treated as a RELATED STATUTE for purposes of Program Architecture analysis, i.e. it is not embodied in part or in whole in a PRIMARY STATUTE or REGULATION and such things as Regulatory Elements of Proof are not developed for it.

RELATED STATUTES AND REGULATIONS -- Statutes and regulations that relate topically to the Primary or IBR items, that are used by the NRC to regulate other nuclear facilities with similar functions, or that are used by other agencies to guide or regulate either high-level nuclear waste facilities (systems and subsystems) or other nuclear facilities are included in this category. Examples include 10CFR72 in the context of 10CFR60, and vice versa. In practice, the analyst must be allowed the latitude to examine the broadest possible range of Federal statutes and regulations of this type because it is here that inconsistencies in regulatory posture are most often discovered. (A well-known example is the inconsistency that the courts found between groundwater criteria found in 40CFR191 and the Safe Drinking Water Act).

It is crucial to recognize that arbitrary deletion of any of these types from the analysis makes it impossible to conduct the Program Architecture analyses. In addition, it is important to note that the term "level of detail of analysis" is not applicable to the characterization of the statutes and regulations; rather, it is a matter of how the particular Federal statute, regulation, or portion thereof is used in the analysis.

Other documents such as Memoranda of Understanding, Executive Orders, and State statutes and regulations are used in the analyses, where appropriate. In general, these would be treated as "related" items for purposes of Program Architecture analyses. Such items are not treated within the scope of this document.

4.2 Selection and Prioritization of Statutes and Regulations

As noted in the Scope of this document, the Center is using a phased approach to the prioritization of statutes and regulations for further analysis. The priorities established here may be expected to change for any of a number of reasons, as noted above. Specifically, the Process Diagram for Developing and Maintaining the Program Architecture (see Refs. 2.4 or 2.5) clearly shows that assignment of priorities below the level of the complete statute or regulation is performed at Block 6, after analyses of Regulatory Requirements, Institutional and Regulatory Uncertainties, Regulatory Elements of Proof, Technical Review Components, and other important items have been completed.

Using the overall rationale discussed above to identify the "types" of statutes and regulations for analysis, it is possible to further select and delineate priorities for the various Federal statutes and regulations that have previously been identified (Appendix A). This selection was made based on delineation of the principal subsystems (Repository, Transportation, Independent Spent Fuel Storage Installations [at reactor storage] and Monitored Retrievable Storage) of the high-level nuclear waste management system and identification of the PRIMARY REGULATION related to each of those

subsystems. Priorities were then assigned based on the rationale stated for each of these subsystems.

To avoid repetition, the STATUTORY AUTHORIZATIONS are listed once. All of these will be considered as Priority 1 and will be treated in the analyses in the manner described in Section 4.1.

NRC STATUTORY AUTHORIZATIONS

Pub.L.83-703	Atomic Energy Act of 1954, As amended
Pub.L.93-438	Energy Reorganization Act of 1974, As amended
Pub.L.96-164	Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 [Section 210 bars the use of funds for licensing defense activities of facilities]
Pub.L.96-368	West Valley Demonstration Project Act [NRC will be regulating the wastes generated at the site]
Pub.L.97-425	Nuclear Waste Policy Act of 1982
Pub.L.99-240	Low-Level Radioactive Waste Policy Amendments Act of 1985 [Federal Government responsibility for greater-than-class "C" wastes].
Pub.L.100-203	Nuclear Waste Policy Act Amendments of 1987

Consistent with their use as described in Section 4.1, the RELATED STATUTES AND REGULATIONS are not listed here. In addition to avoiding repetition, this helps prevent the common misunderstanding that the analyst is restricted to some particular list in considering possible Institutional and Regulatory Uncertainties.

There follows the itemization and associated brief rationale for the priorities of the PRIMARY STATUTES AND REGULATIONS pertinent to the NRC high-level nuclear waste regulatory mission. Those Federal statutes and regulations that are contained in Appendix A of this document but are not listed below are not considered to be PRIMARY STATUTES AND REGULATIONS with regard to NRC responsibilities for high-level nuclear waste management. Consequently, they are not listed as Priority 4 items.

PRIORITY 1 STATUTES AND REGULATIONS

PRIMARY REGULATION

10 CFR Part 60	Disposal of High-Level Radioactive Wastes in Geologic Repositories
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INCORPORATED BY REFERENCE

10 CFR Part 2	Rules of Practice for Domestic Licensing Proceedings
10 CFR Part 20	Standards for Protection Against Radiation
10 CFR Part 50, Appendix B	Domestic Licensing of Production and Utilization Facilities (Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants)
10 CFR Part 51	Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions
30 CFR Part 56	Safety and Health Standards--Surface Metal and Nonmetal Mines
30 CFR Part 57	Safety and Health Standards--Underground Metal and Nonmetal Mines
40 CFR Part 191	Environmental Radiation Protection Standards of Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes
Pub.L.91-173	Federal Mine Safety and Health Act of 1977, As amended [previously known as the Federal Coal Mine Health and Safety Act of 1969]

RATIONALE

NRC 10CFR60 is the principal regulation for the licensing of a high-level nuclear waste repository; consequently, it is assigned Priority 1 for analysis in the Program Architecture. In analyzing the statutes and regulations, the documented analyses of other parties will also be considered. For example, recent OGC analysis of 10CFR2 will be used in evaluating this regulation which is IBR in 10CFR60. This concept applies to all analyses at all priority levels.

As noted above, assignment of priorities below the level of the complete statute or regulation will be performed at Block 6 of the PA development, after analyses of Regulatory Requirements, Institutional and Regulatory Uncertainties, Regulatory Elements of Proof, Technical Review Components, and other important items have been completed. To the extent that it is necessary and appropriate to attempt prioritization before these important analyses have been completed, the Subparts of 10CFR60 may be somewhat arbitrarily assigned subpriorities within the overall Priority 1 status. Based on current understandings of importance with respect to time and the development of some of the pertinent information with regard to Subparts B and E of 10CFR60, the following prioritization of the Subparts is suggested:

Priority 1A: Subparts B and E
Priority 1B: Subpart F and A

Priority 1C: Subpart G, D, and H
Priority 1D: Subpart C
Priority 1E: Subpart I (when prepared)

The NRC is encouraged to defer attempts at further prioritization until such time as the Regulatory Topics and Regulatory Requirements are identified for all of 10CFR60.

PRIORITY 2 STATUTES AND REGULATIONS

PRIMARY REGULATION

10 CFR Part 71 Packing and Transportation of Radioactive Material

INCORPORATED BY REFERENCE

49 CFR Part 107 Hazardous Materials Program Procedures

49 CFR Part 171 General Information, Regulations, and Definitions [Hazardous Materials Regulations]

49 CFR Part 172, Subpart C Hazardous Materials Tables and Hazardous Materials Communications and Regulations (Shipping Papers)

49 CFR Part 172, Subpart D Hazardous Materials Tables and Hazardous Materials Communications and Regulations (Marking)

49 CFR Part 173, Subpart A Shippers - General Requirements for Shipments and Packaging (General)

49 CFR Part 173, Subpart B Shippers - General Requirements for Shipments and Packaging (Preparation of Hazardous Materials for Transportation)

49 CFR Part 173, Subpart H Shippers - General Requirements for Shipments and Packaging (Poisonous Materials, Etiological Agents, and Radioactive Materials; Definition and Preparation)

49 CFR Part 173, Subpart I Shippers - General Requirements for Shipments and Packaging (Radioactive Material)

49 CFR Part 174, Subpart A Carriage by Rail [Hazardous Materials Regulations] (General Requirements)

49 CFR Part 174, Subpart B Carriage by Rail [Hazardous Materials Regulations] (General Operating Requirements)

49 CFR Part 174, Subpart C Carriage by Rail [Hazardous Materials Regulations] (General Handling and Loading Requirements)

49 CFR Part 174, Subpart D	Carriage by Rail [Hazardous Materials Regulations] (Handling of Placarded Cars)
49 CFR Part 174, Subpart K	Carriage by Rail [Hazardous Materials Regulations] (Detailed Requirements for Radioactive Materials)
49 CFR Part 175, Subpart A	Carriage by Aircraft [Hazardous Materials Regulations] (General Information and Regulations)
49 CFR Part 175, Subpart B	Carriage by Aircraft [Hazardous Materials Regulations] (Loading, Unloading, and Handling)
49 CFR Part 175, Subpart C	Carriage by Aircraft [Hazardous Materials Regulations] (Specific Regulations Applicable According to Classification of Material)
49 CFR Part 176, Subpart A	Carriage by Vessel [Hazardous Materials Regulations] (General)
49 CFR Part 176, Subpart B	Carriage by Vessel [Hazardous Materials Regulations] (General Operating Requirements)
49 CFR Part 176, Subpart C	Carriage by Vessel [Hazardous Materials Regulations] (General Handling and Storage)
49 CFR Part 176, Subpart D	Carriage by Vessel [Hazardous Materials Regulations] (General Segregation Requirements)
49 CFR Part 176, Subpart M	Carriage by Vessel [Hazardous Materials Regulations] (Detailed Requirements for Radioactive Materials)
49 CFR Part 177	Carriage by Public Highway [Hazardous Materials Regulations]
49 CFR Part 178	Shipping Container Specifications

RATIONALE

The principal NRC transportation regulation is assigned Priority 2 primarily because decisions regarding cask licensing are currently expected to follow (in time) those related to the evaluation and selection of the repository site and associated waste forms. Should the NRC decide to exercise its licensing authority regarding transportation casks prior to its repository and/or waste form licensing actions, this priority and/or attendant resource allocations may need to be changed. On the other hand, it is assigned higher priority than the principal regulation governing the MRS/ISFSI because the latter facility has not yet been evaluated by the MRS Commission and DOE or authorized by the Congress. Issues such as (a) compatibility of facilities, equipment, and procedures for at-reactor storage, MRS/ISFSI, and repository, (b) multiple purpose storage and shipping casks, and (c) transportation risks must be addressed.

PRIORITY 3 STATUTES AND REGULATIONS

PRIMARY REGULATION

10 CFR Part 72	Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (ISFSI)
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INCORPORATED BY REFERENCE

10 CFR Part 2	Rules of Practice for Domestic Licensing Proceedings
10 CFR Part 9	Public Records
10 CFR Part 20	Standards for Protection Against Radiation
10 CFR Part 50, Appendix B	Domestic Licensing of Production and Utilization Facilities (Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants)
10 CFR Part 51	Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions
10 CFR 100, Appendix A	Reactor Site Criteria (Seismic and Geologic Siting Criteria for Nuclear Power Plants) [Siting criteria in 10CFR70 rely upon 10CFR100, Appendix A]

RATIONALE

The principal regulation governing the MRS/ISFSI is assigned Priority 3 because facilities governed by this regulation have not yet been authorized by the Congress. Such facilities are currently being evaluated by the MRS Commission and DOE. Although it is tentatively assigned Priority 3, it should be understood that a recommendation by the MRS Commission and the DOE to go forward with such a facility could lead rather rapidly to legislation authorizing DOE site selection activities. In this case, the regulation would have its priority increased, perhaps to Priority 1.

APPENDIX A

BIBLIOGRAPHY OF STATUTES AND REGULATIONS IDENTIFIED AS HAVING APPLICATION OR POTENTIAL APPLICATION TO NRC'S HLW PROGRAM (REF. 2.4)

<u>Statutes/Regulations</u> (Titles/Part)	<u>Description</u>
10 CFR Part 60	Disposal of High-Level Radioactive Wastes in Geologic Repositories
10 CFR Part 960	General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories
40 CFR Part 191	Environmental Radiation Protection Standards of Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes
Pub.L.97-425	Nuclear Waste Policy Act of 1982
Pub.L.100-203	Nuclear Waste Policy Act Amendments of 1987
43 U.S.C. 1701 et seq.	Federal Land Policy and Management Act
Pub.L. 99-240	Low-Level Radioactive Waste Policy Amendments Act of 1985 [Federal Government responsibility for greater-than-class "C" wastes].

CATEGORY 1B: SITING-RELATED ENVIRONMENTAL POLICY AND IMPACTS

<u>Statutes/Regulations</u> (Titles/Part)	<u>Description</u>
10 CFR Part 51	Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions
10 CFR Part 1021	Compliance with the National Environmental Policy Act
40 CFR Part 131	Water Quality Standards
40 CFR Part 141	National Primary Drinking Water Regulations
40 CFR Part 306, Subchapter J	Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Arbitration Procedures [Superfund Program, Emergency Planning, and Community Right-To-Know Programs]

40 CFR Part 1502, Chapter V	Environmental Impact Statement [Council on Environmental Quality]
40 CFR Part 1506, Chapter V	Other Requirements of NEPA [Council on Environmental Quality]
Pub.L.91-190	National Environmental Policy Act of 1969, as amended
16 U.S.C. 1531 et.seq.	Endangered Species Act [<u>Tentatively identified under Criterion 4.1.4 of TOP-001-01</u>].
33 U.S.C. 1251-1376 [see sec. 1311(F)]	Federal Water Pollution Control Act [Clean Water Act]
42 U.S.C. 300 g-1, g-3, j-4, & j-9	Safe Drinking Water Act
Pub.L. 98-616	The Hazardous and Solid Waste Amendment of 1984 [to the Resource Conservation and Recovery Act--RCRA]

CATEGORY 2: FACILITY AND CONSTRUCTION-RELATED

<u>Statutes/Regulations</u> (Titles/Part)	<u>Description</u>
10 CFR Part 20	Standards for Protection Against Radiation
10 CFR Part 72	Licensing Requirements for the Storage of Spent Fuel in an Independent Spent Fuel Storage Installation (ISFSI)
10 CFR Part 73	Safeguards Requirements for Fuel Facilities Processing Formula Quantities of Strategic Special Nuclear Material [sec.73.25-73.37] includes requirements for the physical protection of spent nuclear fuel in transit]
10 CFR 100, Appendix A	Reactor Site Criteria (Seismic and Geologic Siting Criteria for Nuclear Power Plants) [Siting criteria in 10CFR70 rely upon 10CFR100, Appendix A]
29 CFR Part 1926	Safety and Health Regulations for Construction
30 CFR Part 56	Safety and Health Standards--Surface Metal and Nonmetal Mines
30 CFR Part 57	Safety and Health Standards--Underground Metal and Nonmetal Mines

30 CFR Part 740	General Requirements for Surface Coal Mining and Reclamation Operations on Federal Lands
30 CFR Part 746	Review and Approval of Mining Plans
30 CFR Part 750	Requirements for Surface Coal Mining and Reclamation Operations on Indian Lands
40 CFR Part 61	National Emission Standards for Hazardous Air Pollutants
40 CFR Part 300, Subchapter J	National Oil and Hazardous Substances Pollution Contingency Plan [Superfund Program, Emergency Planning, and Community Right-To-Know Programs]
44 CFR Part 351	Radiological Emergency Planning and Preparedness
Pub.L.96-368	West Valley Demonstration Project Act [NRC will be regulating the wastes generated at the site]
Pub.L-91-173	Federal Mine Safety and Health Act of 1977, As amended [previously known as the Federal Coal Mine Health and Safety Act of 1969]

CATEGORY 3: TRANSPORTATION-RELATED

<u>Statutes/Regulations</u> (Titles/Part)	<u>Description</u>
10 CFR Part 71	Packing and Transportation of Radioactive Material
49 CFR Part 173, Subpart A	Shippers - General Requirements for Shipments and Packaging (General) [<u>Tentatively identified under Criterion 4.1.5 of TOP-001-011.</u>]
49 CFR Part 173, Subpart B	Shippers - General Requirements for Shipments and Packaging (Preparation of Hazardous Materials for Transportation) [<u>Tentatively identified under Criterion 4.1.5 of TOP-001-011.</u>]
49 CFR Part 173, Subpart H	Shippers - General Requirements for Shipments and Packaging (Poisonous Materials, Etiological Agents, and Radioactive Materials; Definition and Preparation)
49 CFR Part 173, Subpart I	Shippers - General Requirements for Shipments and Packaging (Radioactive Material)

49 CFR Part 174, Subpart A	Carriage by Rail [Hazardous Materials Regulations] (General Requirements)
49 CFR Part 174, Subpart B	Carriage by Rail [Hazardous Materials Regulations] (General Operating Requirements)
49 CFR Part 174, Subpart C	Carriage by Rail [Hazardous Materials Regulations] (General Handling and Loading Requirements)
49 CFR Part 174, Subpart D	Carriage by Rail [Hazardous Materials Regulations] (Handling of Placarded Cars)
49 CFR Part 174, Subpart K	Carriage by Rail [Hazardous Materials Regulations] (Detailed Requirements for Radioactive Materials)
49 CFR Part 175, Subpart A	Carriage by Aircraft [Hazardous Materials Regulations] (General Information and Regulations) <u>[Tentatively identified under Criterion 4.1.5 of TOP-001-01]</u> .
49 CFR Part 175, Subpart B	Carriage by Aircraft [Hazardous Materials Regulations] (Loading, Unloading, and Handling) <u>[Tentatively identified under Criterion 4.1.5 of TOP-001-01]</u> .
49 CFR Part 175, Subpart C	Carriage by Aircraft [Hazardous Materials Regulations] (Specific Regulations Applicable According to Classification of Material)
49 CFR Part 176, Subpart A	Carriage by Vessel [Hazardous Materials Regulations] (General)
49 CFR Part 176, Subpart B	Carriage by Vessel [Hazardous Materials Regulations] (General Operating Requirements)
49 CFR Part 176, Subpart C	Carriage by Vessel [Hazardous Materials Regulations] (General Handling and Storage)
49 CFR Part 176, Subpart D	Carriage by Vessel [Hazardous Materials Regulations] (General Segregation Requirements)
49 CFR Part 176, Subpart M	Carriage by Vessel [Hazardous Materials Regulations] (Detailed Requirements for Radioactive Materials)
49 CFR Part 177	Carriage by Public Highway [Hazardous Materials Regulations]
49 CFR Part 178	Shipping Container Specifications

CATEGORY 4: ADMINISTRATION AND INFORMATION-RELATED

<u>Statutes/Regulations</u> (Titles/Part)	<u>Description</u>
10 CFR Sec. 1.6	Statement of Organization-Office of Nuclear Material Safety and Safeguards.
10 CFR Part 2	Rules of Practice for Domestic Licensing Proceedings
10 CFR Part 4	Nondiscrimination in Federally Assisted Commission Programs
10 CFR Part 9	Public Records
10 CFR Part 10	Criteria and Procedures for Determining Eligibility for Access to Restricted Data of National Security Information of an Employment Clearance
10 CFR Part 11	Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material
10 CFR Part 19	Notices, Instructions, and Reports to Workers; Inspections
10 CFR Part 50, Appendix F	Domestic Licensing of Production and Utilization Facilities (Policy relating to the Siting of Fuel Reprocessing plants and Related Waste Management Facilities) [Original definition of HLW]
10 CFR Part 70	Domestic Licensing of Special Nuclear Material
10 CFR Part 961	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste
10 CFR Part 1005	Intergovernmental Review of Department of Energy Programs and Activities
10 CFR Part 1008	Records Maintained on Individuals (Privacy Act)
10 CFR Part 1016	Safeguarding of Restricted Data

30 CFR Part 43	Procedures for Processing Hazardous Conditions Complaints
30 CFR Part 48	Training and Retraining of Miners
30 CFR Part 745	State-Federal Cooperative Agreements
30 CFR Part 755	Tribal-Federal Intergovernmental Agreements
40 CFR Part 302, Subchapter J	Designation Reportable Quantities, and Notification [Superfund Program, Emergency Planning, and Community Right-To-Know Programs]
40 CFR Part 305, Subchapter J	Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Arbitration Procedures [Superfund Program, Emergency Planning, and Community Right-To-Know Programs]
40 CFR Part 1500, Chapter V	Purpose, Policy, and Mandate [Council on Environmental Quality]
40 CFR Part 1501, Chapter V	NEPA and Agency Planning [Council on Environmental Quality]
40 CFR Part 1503, Chapter V	Commenting [Council on Environmental Quality]
40 CFR Part 1504, Chapter V	Predecision Referrals to the Council of Proposed Federal Actions Determined to be Environmentally Unsatisfactory [Council on Environmental Quality]
40 CFR Part 1505, Chapter V	NEPA, and Agency Decisionmaking [Council on Environmental Quality]
40 CFR Part 1507, Chapter V	Agency Compliance [Council on Environmental Quality]
40 CFR Part 1508, Chapter V	Terminology and Index [Council on Environmental Quality]
49 CFR Part 107	Hazardous Materials Program Procedures
49 CFR Part 171	General Information, Regulations, and Definitions [Hazardous Materials Regulations]
49 CFR Part 172, Subpart C	Hazardous Materials Tables and Hazardous Materials Communications and Regulations (Shipping Papers) <u>[Tentatively identified under Criterion 4.1.5 of TOP-001-01]</u> .

49 CFR Part 172, Subpart D	Hazardous Materials Tables and Hazardous Materials Communications and Regulations (Marking)
Pub.L.96-164	Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 [Section 210 bars the use of funds for licensing defense activities of facilities]
Pub.L.83-703	Atomic Energy Act of 1954, As amended
Pub.L.93-438	Energy Reorganization Act of 1974, As amended
5 U.S.C. 4701-4771	Intergovernmental Personnel Program
42 U.S.C. 961	Superfund
42 U.S.C. 1996 et.seq.	American Indian Religious Freedom Act [<u>Tentatively identified under Criterion 4.1.4 of TOP-001-01</u>].

CATEGORY 5: QUALITY-ASSURANCE-RELATED

10 CFR Part 21	Reporting of Defects and Noncompliance
10 CFR Part 50, Appendix B	Domestic Licensing of Production and Utilization Facilities (Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants)